

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

7007 DEC 28 9 21  
RA P. HACKETT  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

NATHANIEL SHAW,  
PLAINTIFF,

V.

D. T. MARSHALL, et al.,  
DEFENDANTS.

CASE NO. 2:07-CV-606-ID

MOTION FOR LEAVE TO FILE A MOTION FOR  
DECLARATORY JUDGMENT

COMES NOW THE PLAINTIFF NATHANIEL SHAW,  
(PROSE) AND MOVES THIS HONORABLE COURT  
PURSUANT TO RULE 57. DECLARATORY  
JUDGMENT IN ACCORDANCE WITH RULES  
OF CIVIL PROCEDURE GOVERN UNDER 28 USC §  
2201. RULES 38 AND 39 GOVERN A DEMAND FOR A  
JURY TRIAL. A DECLARATORY JUDGMENT IS  
APPROPRIATE WHEN IT WILL "TERMINATE THE  
CONTROVERSY" GIVING RISE ON UNDISPUTED OR  
RELATIVELY UNDISPUTED FACTS, IT OPERATES  
FREQUENTLY AS A SUMMARY PROCEEDING,  
JUSTIFYING DOCKETING THE CASE FOR EARLY  
HEARING AS ON A MOTION, AS PROVIDED FOR  
IN CALIFORNIA (CODE CIV. PROC. (DEERING, 1937) §  
1062 a), MICHIGAN (3 COMP. LAWS (1929) § 13904), AND

KENTUCKY (CODES (CARROLL, 1932) CIV. PRACT. § 639a-3). THE "CONTROVERSY" MUST NECESSARILY BE OF A "JUSTICIABLE NATURE, THUS EXCLUDING AN ADVISORY DECREE UPON A HYPOTHETICAL STATE OF FACTS" ASHWANDER V. TENNESSEE VALLEY AUTHORITY 1936, 56 S. Ct. 466, 473, 297 U.S. 288, 80 L. Ed. 688,

### GROUND

THE PLAINTIFF IN THE ABOVE STYLE CAUSE ASSERT: THAT THE DEFENDANTS THROUGH THEIR ATTORNEYS GIVING ANSWER IN THE MANNER OF A SUMMARY JUDGMENT TO THE PLAINTIFF AMENDED COMPLAINT HAS IN FACT VIOLATED THE RULES OF RULE 56.

SUMMARY JUDGMENT. THE LAW IS CLEAR AND THE FACTS THE PLAINTIFF PRESENT TO THIS HONORABLE COURT ARE UNDISPUTABLE. THE RULE, RULE 56. SUMMARY JUDGMENT

(8) AFFIDAVITS MADE IN BAD FAITH. SHOULD

IT APPEAR TO THE SATISFACTION OF THE COURT AT ANY TIME THAT ANY OF THE AFFIDAVITS PRESENTED PURSUANT TO THIS RULE ARE PRESENTED IN BAD FAITH OR SOLELY FOR THE PURPOSE OF DELAY, THE COURT SHALL FORTHWITH ORDER THE PARTY

EMPLOYING THEM TO PAY TO THE OTHER THE AMOUNT OF THE REASONABLE EXPENSES WHICH THE FILING OF THE AFFIDAVITS CAUSED THE OTHER PARTY TO INCUR, INCLUDING REASONABLE ATTORNEY'S FEES, AND ANY OFFENDING PARTY OR ATTORNEY MAY BE ADJUDGED GUILTY OF CONTEMPT.

THE PLAINTIFF ATTEST THAT THESE DEFENDANTS HAS GONE A STEP BEYOND VIOLATING RULE 56(8) IN THESE AFFIDAVITS. DOCUMENT 47-2 (HALL) AND DOCUMENT 47-5 (COUGHLIN) - DOCUMENT 23-2 OF OFFICER K. L. BYRD, STATING THAT HE AND A SGT. DAVIS WERE THE ARRESTING OFFICERS. PLEASE COMPARE THESE DOCUMENTS TO DOCUMENT 54-2 ALABAMA UNIFORM ARREST REPORT. THESE DEFENDANTS HAS COMMITTED THE CRIMES OF PERJURY AND CONSPIRACY IN THE CONFINES OF THIS HONORABLE COURT, DESIGNED IN A SPECIAL REPORT.

THE PLAINTIFF HAS SUFFERED IRREPAIRABLE HARM TO WORK HIS WAY THROUGH THE MAZE OF A MASTERFUL DESIGNED CONSPIRACY BY BOTH THE ATTORNEYS OF CITY AND COUNTY

OF MONTGOMERY, ALABAMA. THE PLAINTIFF HAS SUFFERED LOSE OF VISION IN HIS LEFT EYE WITHOUT BEING GIVEN THE RIGHT TO SEE AN EYE SPECIALIST BECAUSE THE COURT WAS HOODWINK NOT HAVING THE FULL DEPTH OF THE CONSPIRACY THAT WAS BEING DISPLAYED BY THESE DEFENDANTS.

THE PLAINTIFF HAS PERMANENT SKIN DISCOLORATION FROM THE ADMINISTRATION OF WRONG MEDICATION TO THE DEMISE OF THE PLAINTIFF BY THE DEFENDANT DOCTOR JOHNNY BATES, WHICH CAUSE THE PLAINTIFF NOT TO TAKE ANY MEDICATION AT ALL FOR FEAR OF DEATH AT THE HANDS OF THE MEDICAL DOCTOR OF THE MONTGOMERY COUNTY DETENTION FACILITY.

THE PLAINTIFF EVEN UNTIL THIS DAY HAS BEEN BEING DENIED ACCESS TO THE COURTS. THE PLAINTIFF ON DECEMBER 1, 2007 HAD ALL HIS PLEADINGS TO THE CASE AT BAR TAKEN BY THE DEFENDANTS AGENTS THEREFORE, ENABLING PLAINTIFF TO LIST ANY FILING DATES OF SAID PLEADINGS.

THE DEFENDANTS HERE AT M.C.D.F HAS CREATED AN ALL BLACK SEGREGATED CELL 3-B SOUTH WHICH CLEARLY

VIOLATES THE CONSTITUTION OF THE UNITED STATES OF AMERICA.

THE PLAINTIFF WILL STATE THAT HE MENTION THERE WAS THE ELEMENTS OF A CONSPIRACY IN HIS OBJECTION TO THE RECOMMENDATION, AGAIN IN HIS AMENDED COMPLAINT AND UNCOVERED THE FULL MAGNITUDE OF THE CONSPIRACY IN HIS RESPONSE IN OPPOSITION. THE CONSPIRACY IS NOW IN PLAIN VIEW FOR THE WORLD TO SEE. GOD HAS EXPOSED THESE POLICE OFFICERS WRONGDOING FOR THE WORLD TO SEE.

THE PLAINTIFF WILL STATE THAT HE HAS BEEN VINTIMIZED AND MY FAMILY FEEL AS I FEEL ALSO, THAT DUE TO THE SERIOUSNESS OF THIS CONSPIRACY THAT IS BEING PLAYED OUT IN THIS UNITED STATES DISTRICT COURT AND DUE TO THE THREATS THAT HAS BEEN PLACED ON MY LIFE I REQUEST THAT I BE PLACED IN A FEDERAL DETENTION HOLDING FACILITY DURING THE PENDENCY OF BOTH CIVIL AND CRIMINAL MATTERS IN THE STATE OF ALABAMA.

THE PLAINTIFF STILL YET OUT OF RESPECT FOR THE F.O.P. AS A WHOLE



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BE OPEN TO A SETTLEMENT IN FAIRNESS TO ALL INVOLVED. I WILL BE 59 YEARS OLD MARCH 1, 2008 AND DON'T KNOW HOW MUCH LONG I HAVE TO LIVE. MY FAMILY IS THREADING ON DANGEROUS GROUND TO GET AN INVESTIGATION THROUGH THE UNITED STATES JUSTICE DEPARTMENT AND TURN THIS CASE INTO A MEDIA CIRCLIS AND THEY DO HAVE THE EVIDENCE AT HAND AND STAND FIRM UPON THE TRUTH THAT A FULL BLOWN CONSPIRACY HAS TAKEN PLACE IN A UNITED STATES DISTRICT COURT.

I THE PLAINTIFF IN MY FAMILY'S PLAN WILL BECOME THE SACRIFICIAL LAMB WHICH I WILL GLADLY BE IF THIS MATTER CAN'T BE RESOLVED FORTHWITH THROUGH THE COURT ITSELF OR BY MEANS OF A SETTLEMENT WITH THE DEFENDANTS WITH THE COURTS CONSENT.

### RELIEF SOUGHT

(1) A DECLARATORY JUDGMENT GRANTING ALL RELIEF SOUGHT IN THE PLAINTIFF AMENDED COMPLAINT PUNITIVE DAMAGES \$1,500,000 ONE MILLION

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FIVE HUNDRED THOUSAND. COMPENSATIVE DAMAGES \$ 2,500,000.00 TWO MILLION FIVE HUNDRED THOUSAND. OR WHAT THE COURT SHALL DEEM JUST AND FAIR.

2. A TRIAL BY JURY IF THIS MATTER CAN'T BE RESOLVED THROUGH NEGOTIATION.

3. THE PLAINTIFF REQUEST TO BE PLACED IN A FEDERAL DETENTION HOLDING FACILITY FOR SAFETY MEASURES THAT MY FAMILY WILL RELAX THEIR MINDS.

IT IS SO DRAWED  
UNDER THE PENALTY OF PERJURY

DONE ON THIS 26<sup>th</sup> DAY OF DECEMBER 2007

RESPECTFULLY SUBMITTED

si Nathaniel Shaw

NATHANIEL SHAW

200 KINGS RD 354

N.C.D.F

P.O. BOX 4509

MONTGOMERY, AL

21 10 3

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## CERTIFICATE OF SERVICE

I CERTIFY THAT A TRUE AND CORRECT  
COPY OF THE FOREGOING HAS BEEN  
PROVIDED ON THIS DAY 26<sup>th</sup> OF DECEMBER  
2007 VIA U.S. MAIL POSTAGE PREPAID  
ADDRESSED AS FOLLOWS:

OFFICE OF THE CLERK  
UNITED STATES DISTRICT COURT  
P.O. BOX 711  
MONTGOMERY, ALABAMA  
36101-0711

ATTORNEY ALLISON H. FISHER  
CITY ATTORNEY OFFICE  
OF MONTGOMERY, ALABAMA  
P.O. BOX 111  
MONTGOMERY, ALABAMA  
36104

151 Tathaniel Shaw  
NATHANIEL SHAW (PROSE)  
BOOKING #393574 M.C.D.F.  
P.O. BOX 1500  
MONTGOMERY, ALABAMA  
36103



NATHANIEL SHAW

BOOKING # 89354 MONTGOMERY

P.O. BOX 4599

MONTGOMERY, ALABAMA  
36103

MONTGOMERY AL 361

27 DEC 2007 PM 2



USA 41

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UNITED STATES DISTRICT COURT  
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